

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARL E. WIGGINS and U.S. POSTAL SERVICE,
POST OFFICE, Memphis, TN

*Docket No. 00-2388; Submitted on the Record;
Issued October 4, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an emotional condition while in the performance of duty on December 14, 1999.

On December 23, 1999 appellant, then a 46-year-old letter carrier, filed a traumatic injury claim alleging that he sustained an emotional condition while in the performance of duty on December 14, 1999. Appellant explained that on the morning of December 14, 1999 he and his supervisor, Tereasa Breckenridge, had a disagreement over the amount of time required to complete a work assignment. Appellant did not complete the assignment because Ms. Breckenridge instructed him to leave the employing establishment premises for insubordination. Appellant explained that a headache prevented him from performing the assigned duties. Within a few hours of the December 14, 1999 altercation with Ms. Breckenridge, appellant sought medical treatment. He was diagnosed with a headache and anxiety.

Ms. Breckenridge submitted a statement describing the December 14, 1999 incident. She noted instructing the mail carriers to case and carry the oldest mail. In giving appellant instructions on carrying his mail, he responded that Ms. Breckenridge was knit picking with him. Ms. Breckenridge stated that appellant came to her desk and was loud and distracting the workflow operations. When asked if he was refusing to follow instructions, appellant told her he had a headache and would not return to the workroom floor. She instructed appellant to clockout and leave the premises.

After additional development of the record, the Office of Workers' Compensation Programs issued a decision on March 7, 2000 denying compensation. The Office found that the December 14, 1999 incident did not constitute harassment but was administrative in nature, and therefore, noncompensable.

Appellant subsequently filed a request for reconsideration. He also submitted additional medical evidence, a February 15, 2000 notice of suspension pertaining to his behavior on December 14, 1999, and two grievances regarding the December 14, 1999 incident and Ms. Breckenridge's subsequent efforts to suspend him.

By decision dated June 16, 2000, the Office denied modification of the March 7, 2000 decision.

The Board finds that appellant failed to establish that he sustained an emotional condition while in the performance of duty on December 14, 1999.

In order to establish that he sustained an emotional condition causally related to factors of his federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his condition; (2) rationalized medical evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that his emotional condition or psychiatric disorder is causally related to the identified compensable employment factors.¹

Workers' compensation law does not apply to each and every injury or illness that is somehow related to one's employment. There are situations where an injury or illness has some connection with the employment, but nevertheless, does not come within the purview of workers' compensation. When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is deemed compensable. Disability is not compensable, however, when it results from factors such as an employee's fear of a reduction-in-force or frustration from not being permitted to work in a particular environment or hold a particular position.² Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a basis in fact for the claim by supporting his allegations with probative and reliable evidence.³

If a claimant implicates a factor of employment, the Office should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.⁴

The December 14, 1999 incident arose following instructions given by Ms. Breckenridge pertaining to the priority to be given in casing and carrying mail. Appellant advised his supervisor that he would not be able to carry his mail in an eight-hour day. Ms. Breckenridge declined his request for additional time and advised him to complete his assigned duties within 8 hours. Appellant stated that he already had a headache from his prior contest with

¹ See *Kathleen D. Walker*, 42 ECAB 603 (1991).

² *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Ruthie M. Evans*, 41 ECAB 416 (1990).

⁴ See *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

Ms. Breckenridge and told her he could not return to casing the mail. Ms. Breckenridge described appellant's conduct as angry and loud and distracting to the workflow operations.

Ms. Breckenridge's assignment of work on December 14, 1999 and her denial to grant appellant additional time to complete the assignment are administrative matters, and therefore, are noncompensable.⁵ Furthermore, Ms. Breckenridge's decision to relieve appellant of his duties on December 14, 1999 is similarly a noncompensable administrative matter absent evidence of error or abuse. Appellant has not submitted evidence sufficient to establish error or abuse by Ms. Breckenridge on that date.⁶ Consequently, appellant's reaction to the December 14, 1999 assignment is self-generated. As appellant failed to establish any compensable employment factors, the Office properly denied his claim.⁷

The June 16, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 4, 2001

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁵ As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of the Federal Employees' Compensation Act. *See Lillian Cutler, supra* note 2. However, to the extent that the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor. *Id.* Appellant has not demonstrated that Ms. Breckenridge either erred or acted abusively in carrying out her duties on December 14, 1999.

⁶ *See Ruthie M. Evans, supra* note 3.

⁷ *Bernard Snowden*, 49 ECAB 144, 148 (1997).